

BOSTON GLOBE  
5 January 1986

## ESPIONAGE

# The secret sharers and citizen rights

*Freedoms imperiled by CIA's links with 'friends'*By Jeff McConnell  
Special to the Globe

**T**he recent arrest of Navy terrorism analyst Jonathan Jay Pollard for spying for Israel upon the United States, Israel's most important ally, has put a new spotlight on spying among friends. However, there is a related problem that is deeper and more troubling: the occasional collusion — sometimes deliberate, sometimes inadvertent — between American intelligence agencies and the intelligence and security services of "friendly" countries.

That collusion can take two forms. In the first, American intelligence agencies either directly assist or passively tolerate intelligence activities by agents of foreign governments operating in the United States. In the second, American agents exchange intelligence on residents of this country with foreign governments. In both instances, the practices often violate the constitutional rights of US residents.

Between 1981 and 1983, a federal grand jury secretly investigated the activities of US-based opponents of Philippine President Ferdinand Marcos. The probe was prompted by allegations by the Marcos government that the dissidents had links to a campaign of bombings that had rocked Manila in late 1980. According to a US government affidavit recently filed in Washington, the main target of this investigation was the Movement for a Free Philippines, an organization of moderate anti-Marcos activists. According to other accounts, another target was the late Benigno Aquino, who allegedly had ties to several MFP members. Aquino was the most prominent anti-Marcos activist and was assassinated in August 1983 on his return to Manila after three years of self-imposed exile in the United States. The grand jury investigation, the affidavit asserts, was suspended without indict-

ments shortly after Aquino's murder. Yet even before a determination had been made over the sufficiency of evidence for indictments, the Justice Department reportedly shared FBI files on the MFP probe with Marcos' martial law regime. Among these files were said to be documents seized in an FBI raid on the San Francisco home of Steve Psinakis, a former MFP officer.

The San Francisco Chronicle reported that photocopies of some of those documents were forwarded to Gen. Fabian Ver, then chief of staff of the Philippine armed forces and formerly head of Marcos' personal intelligence unit, the Presidential Security Command.

Apparently among the information passed on to the Marcos regime was confidential, noncriminal information on anti-Marcos activists based in this country. Psinakis charged in a recent interview that a list of MFP activists inside the Philippines also found its way to Ver. He said that some on this list were subsequently arrested and that two have disappeared.

**1978 Esmail case**

Psinakis' charge cannot be verified. There are precedents, however. Between 1968 and 1974, the CIA and the FBI carried out Operation CHAOS, a spy operation against American political activists with international ties. Throughout the duration of CHAOS, the US government frequently exchanged data on targeted individuals with "friendly" intelligence services. It also requested clandestine operations against them. One CHAOS target, Abdeen Jabara, learned during a lawsuit settled in 1984, after a decade of litigation, that the FBI had supplied noncriminal material about him to three foreign governments. The Bureau promised, as part of the settlement, to attempt to retrieve that material.

In 1978, the FBI briefed the Senate Judiciary Committee in executive session on the case of Sami Esmail, a US citizen then attending Michigan State. Esmail had been seized and imprisoned shortly after arriving in Israel to visit his dying father. He was eventually charged with, and convicted of, membership in a Palestinian organization outlawed in Israel.

Jabara, who was Esmail's attorney, had suspicions resulting from his own case that, even though Esmail had done nothing illegal in the United States, the FBI had transmitted information about Esmail to Mossad, the Israeli intelligence service, some time prior to his departure for Israel. Jabara contacted James Abourezk, then senator from South Dakota, who arranged the executive session hearing.

The Justice Department confirmed Jabara's suspicions. When Abourezk questioned them on the FBI's authority "to transmit this kind of noncriminal information," department officials acknowledged the noncriminal nature of the information conveyed but held they had had the authority to do so based on department guidelines and a presidential executive order governing liaison relationships with foreign services.

"They sent up their top counterterrorism guy," Abourezk recalled recently. "They [the FBI] had information that [Esmail] was on his way and gave it to the Israelis. But they said the Israelis said they already knew." In this way, Abourezk contended, the FBI sought to deflect responsibility for Esmail's arrest. But he emphasized that the FBI "volunteered the information — Mossad did not ask."

Congressional investigations in the mid-1970s into Operation CHAOS and other cases in which the FBI and the CIA disregarded constitutional guarantees on freedom of speech and political activity went a long way toward ending purely domestic abuses. But collusion by American agencies with "friendly" services remained a piece of unfinished business.

The work by Congress led presidents

Continued

Gerald Ford and Jimmy Carter to sign executive orders putting the FBI out of the business of policing political beliefs and squarely back in the business of enforcing the law. The orders also placed restrictions on direct CIA operations against American residents. According to the Carter order, both agencies were forbidden to "request or otherwise encourage" foreign services (or any other agencies) to do what FBI and CIA employees were already prohibited from doing themselves.



ILLUSTRATION BY ANTHONY RUSSO

A 1978 report found that the US State Department rarely expelled 'friendly' foreign services for improper activities.

The Carter order did not, however, restrict acquiescence by federal intelligence agencies to the activities of "friendly" foreign agencies in the United States or against American residents abroad; nor did it restrict the dissemination of information to "friendly" services on persons residing in the United States.

Three events, in late 1976, put the congressional investigators back to work. One was the assassination in Washington of former Chilean Ambassador Orlando Letelier and the alleged involvement by

the Chilean intelligence service, DINA. Another was the Shah of Iran's boast on network television that the Iranian intelligence service, SAVAK, was spying on Iranian students within the United States. Finally, there were growing indications of harassment of Korean-Americans and Korean nationals living in this country, as well as reports of influence-buying in Congress by the Korean Central Intelligence Agency.

Investigators found that the allegations and reports were true, that numerous people had been victimized by acts or threats of violence by these services and that many more lived in fear. Moreover, they found that the FBI and the CIA had known more about these activities than they had ever admitted.

#### A 'hypothetical' connection

The extent of the US connection was suggested by a 1984 article in the Harvard International Law Journal by Michael Glennon, who, as legal counsel to the Senate Foreign Relations Committee, headed a review of these issues in 1978. Since the facts his committee discovered have remained highly classified, Glennon characterized the US connection in terms of a hypothetical "friendly" intelligence agency he called THRUSH. But though the THRUSH agency is hypothetical, congressional reports, both secret and public, make clear that Glennon's model for THRUSH could have been DINA, SAVAK or the KCIA.

"The Central Intelligence Agency contributed significantly to THRUSH's establishment," Glennon wrote. "THRUSH keeps CIA officials partially informed concerning its activities in the United States, and Federal Bureau of Investigation reports to the CIA fill in most of the gaps. The CIA makes no objection to the continuation of those activities. It fails to transmit to the State Department any particulars of its tacit agreement with THRUSH.

"The CIA is fully aware that the information gathered by THRUSH or given to

THRUSH by the FBI is used to identify those targeted for 'countering' [harassing], and the CIA so informs the FBI. Neither United States agency gives this consideration any weight when formulating policy concerning liaison with THRUSH. Each regards its current relationship with THRUSH as rewarding. THRUSH provides intelligence information both from within and without the United States which is important to national security."

The classified report of Glennon's 1978 investigation, portions of which were made available by Washington reporter Dale Van Atta, disclose that inaction and indifference by the US government, moreover, often facilitated the harassment of US residents by these foreign intelligence services. The committee found that the FBI "makes no affirmative effort to ascertain the activities in the United States of 'friendly' foreign countries' intelligence services" but only investigates "specific complaints of criminal violations over which it has jurisdiction," which make up a limited portion of complaints. The CIA was found to acquire such information only "incidentally," while the National Security Agency, which eavesdrops on international communications, and the State Department do so hardly at all. "With certain exceptions," the report asserted, "officials of the State Department have conveyed to the FBI or CIA no active or continuing interest" in such activities.

The dissemination of the information acquired, and action on it, was found to be "irregular and infrequent." The CIA was said to do the best job but sometimes, out of fear, to limit access to its information. FBI or State Department investigations could provoke reciprocal actions against its overseas operations. It was found that FBI information did not reach Justice Department prosecutors or relevant officials in the State Department or CIA; and the State Department was found "rarely if ever" to resort to the remedy of expulsion for such improper activities by "friendly" services.